

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRISTOPHER BADGETT,

Plaintiff,

v.

Case No. 17-C-49

MICHAEL LUENEBURG and
JONATHAN STEELE,

Defendants.

ORDER

Plaintiff Christopher Badgett filed this action pursuant to 42 U.S.C. § 1983 alleging that Defendants Michael Lueneburg and Jonathan Steele violated his constitutional rights. At the final pretrial conference held on November 9, 2018, Defendants requested that Walter DeJesus, one of plaintiff's witnesses who is currently incarcerated at Waupun Correctional Institution, testify by video conference at the jury trial scheduled for November 26, 2018. The use of video conference technology is permissible as a matter of discretion. *Allen v. Wine*, 297 F. App'x 524, 533 (7th Cir. 2008). The Seventh Circuit has recognized that "a witness may testify via video 'for good cause in compelling circumstances and with appropriate safeguards.'" *Id.* (citing Fed. R. Civ. P. 43(a)); see also *Stone v. Morris*, 546 F.2d 730 (7th Cir. 1976). Plaintiff did not object to the Defendants' request and noted that DeJesus is currently housed in segregation, suggesting concerns associated with security as well as the costs and inconvenience of DeJesus' transportation. In addition, requiring Plaintiff's witness to testify by video conference does not violate fundamental notions of fairness since no other non-party witnesses will testify in person, as it appears the only witnesses

Defendants intend to call are the parties of this case. The court therefore concludes that good cause exists to permit DeJesus to testify by video conference. The clerk is directed to issue appropriate process for the video appearance of DeJesus.

SO ORDERED this 9th day of November, 2018.

s/ William C. Griesbach

William C. Griesbach, Chief Judge
United States District Court